

SENATE JOINT RESOLUTION 27
By Fowler

A RESOLUTION memorializing the U.S. Congress to propose an amendment to the Constitution of the United States to provide a federal definition of marriage and to submit such constitutional amendment to the several states for proper ratification.

WHEREAS, During the Second Session of the 107th United States Congress, House Joint Resolution No. 93, popularly known as the "Federal Marriage Amendment" was introduced with strong bi-partisan support, giving voice to the deeply held convictions of the vast majority of the American people; and

WHEREAS, Reintroduced in the 108th Congress, the Federal Marriage Amendment provides:

"Marriage in the United States shall consist only of the union of a man and a woman. Neither this constitution or the constitution of any state, nor state or federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups." ; and

WHEREAS, In addition to simply stating that marriage in the United States consists of the union of a male and female, the Federal Marriage Amendment ensures that the democratic

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process at the state level will continue to determine the allocation of the benefits associated with marriage; and

WHEREAS, State legislatures will also retain the power to authorize or prohibit civil unions and domestic partnerships within their respective boundaries; and

WHEREAS, The majority of the efforts to undermine the legal status of marriage are premised upon constitutional law, specifically the Equal Protection and Full Faith and Credit clauses of the United States Constitution; and

WHEREAS, Certain parties are thus manipulating the federal court system to overcome public opinion with respect to marriage, with the openly admitted goal of eventually imposing same-sex "marriage" and civil unions on every state in the nation; and

WHEREAS, This Body strongly believes that the Federal Marriage Amendment is a reasonable response to this attack on our nation's values and its Constitution; and

WHEREAS, The Federal Marriage Amendment precludes the courts from distorting existing constitutional or statutory law into a requirement that marital status or the legal incidents thereof be reallocated pursuant to a judicial decree; however, it has no impact at all on benefits offered by private businesses and corporations; and

WHEREAS, The decision to seek a Constitutional remedy is both significant and necessary. The American people historically have been reluctant to amend the United States Constitution except for the most compelling reasons; although this Body shares that view, the rite of matrimony as it has been understood and practiced since time immemorial is so deeply a part of American tradition and our collective values that it requires Constitutional status; now therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED THIRD GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That this General Assembly memorializes the Congress of the United States to

propose the following language as an amendment to the Constitution of the United States and submit such amendment to the several states for proper ratification:

Marriage in the United States shall consist only of the union of a man and a woman. Neither this constitution or the constitution of any state, nor state or federal law, shall be construed to require that marital status or the legal incidents thereof be conferred upon unmarried couples or groups.

BE IT FURTHER RESOLVED, That enrolled copies of this resolution be sent by the Chief Clerk of the Senate to the members of the Tennessee delegation to the Congress of the United States.

BE IT FURTHER RESOLVED, That the Chief Clerk of the Senate is directed to send enrolled copies of this resolution to the Speaker and the Clerk of the United States House of Representatives, Washington, D.C., and the President and the Secretary of the United States Senate, Washington, D.C.